

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4324 OF 2005

IN

F.A.NO. 1708 OF 2002

Monito Exports Pvt.Ltd.
and Ors.

..Applicants

Vs.

Shri.Kanhaiyalal Motilal
Talera and Anrs.

..Respondents

...
Mr.M.M.Sathaye for Applicants
Mr.Madhav Jamdar for Respondent No.1
Mr.A.R.Patil AGP for State
...

**CORAM: DR.S.RADHAKRISHNAN AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : DECEMBER 19, 2005

P.C.

1. Heard the learned counsel for the Applicant, learned A.G.P. for the State and learned counsel for the Respondent No.1. The above Appeal was disposed of finally by the Division Bench on 19.9.2003 in the light of settlement arrived at between the parties and consent terms were duly filed therein. By the aforesaid order, refund of Court-fees as per Rules also was ordered.

2. Unfortunately, it appears that the Appellants did not make an application for refund of permissible Court fees within the prescribed time, which appears to have expired on 19.9.2004. Now the present Civil Application has been taken out on 14th September, 2005. By this Civil Application, the Appellants are seeking condonation of delay in making this Application and for a direction to refund the Court-fees as permissible under the Rules.

3. Now, having regard to the facts and circumstances of the case and for the reasons set out in the Civil Application and in the larger interests of the Appellants, Civil Application is made absolute in terms of prayer clauses (a) and (b).

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI, J.]